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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 13 (c)

CONCLUDING ITEMS:

ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

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* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

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1. The Sub-Commission considered item 11 at its 33rd to 37th meetings on 27 and 28 August 1997.

2. For the list of documents issued under this item, see annex ... to the present report.

3. At the 33rd meeting, on 27 August 1997, Ms. Koufa introduced her working paper on the question of terrorism and human rights (E/CN.4/Sub.2/1997/28).

4. In the general debate on this item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (33rd), Ms. Attah (33rd), Mr. Bossuyt (33rd), Mr. Diaz Uribe (34th), Mr. Eide (33rd), Mr. El-Hajjé (34th), Mr. Fan Guoxiang (33rd), Mr. Fix Zamudio (33rd), Mr. Joinet (34th), Mr. Khalil (33rd), Mr. Lindgren Alves (33rd), Mr. Maxim (33rd), Mr. Mehedi (34th), Mr. Park (34th), Mr. Yimer (33rd), Ms. Warzazi (34th), Mr. Weissbrodt (34th).

5. The Sub-Commission heard statements by the observers for the International Committee of the Red Cross (33rd) and UNAIDS (34th).

6. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (34th), Afro-Asian Peoples' Solidarity Organization (34th), American Association of Jurists (35th), Association for World Education (34th), Baha'i International Community (34th), Christian Solidarity International (34th), France Libertés: Fondation Danielle Mitterrand (34th), Franciscans International (34th), Fraternité Notre Dame, Inc. (34th), Himalayan Research and Cultural Foundation (34th), International Association for Religious Freedom (34th), International Association for the Defence of Religious Liberty (34th), International Association of Democratic Lawyers (34th), International Council of Jewish Women (34th), International Educational Development, Inc. (34th), International Federation of Human Rights Leagues (34th), International Institute for Peace (34th), International Institute for Non-Aligned Studies (34th), International League for the Rights and Liberation of Peoples (34th), International Progress Organization (34th), Pax Christi International (34th), Pax Romana (34th), Transnational Radical Party (34th), United Towns Agency for North-South Cooperation (34th), World Christian Life Community (34th), World Federation for Mental Health (34th), World Jewish Congress (34th) and Worldview International Foundation (34th).

7. At the 35th meeting, on 27 August, statements were also made by the observers for Armenia, Azerbaijan, Egypt, India, Indonesia, Iraq, Peru, South Africa, Sri Lanka, the Sudan and Turkey.

8. At the same meeting, statements equivalent to a right of reply were made by the observers for Pakistan and Viet Nam.

Injurious effects of anti-personnel mines

9. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.4, sponsored by Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Maxim, Mr. Mehedi, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

10. Mr. Joinet revised, in writing, the draft resolution as follows:

(a) Replace the ninth preambular paragraph, which read: "Welcoming further the future international conferences to be held in Ottawa from 2 to 4 December and in Oslo from 1 to 19 December 1997, at which future parties to the treaty will finalize negotiations";

(b) In the tenth preambular paragraph replace the words "to start producing only supposedly intelligent mines" by the words "to stop using undetectable anti-personnel mines",

(c) After operative paragraph 4, insert two new operative paragraphs, to be numbered 5 and 6, and renumber the subsequent paragraphs accordingly.

(d) In new operative paragraph 9, insert after the words "to all Governments" the words "in particular those of States which in the past have laid anti-personnel landmines in the territory of other States".

11. Statements in connection with the draft resolution and the amendment were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Fan Guoxiang, Mr. Guissé, Mr. Weissbrodt and Mr. Yimer.

12. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/33.

Respect for humanitarian and human rights law provisions in United Nations peacekeeping operations

13. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.6, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros,

Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Weissbrodt. Mr. Ali Khan subsequently joined the sponsors.

14. Mr. Bossuyt revised the draft resolution by replacing in operative paragraph 1 the words "provisions of the Geneva Conventions of 12 August 1949 and the international human rights instruments" by the words "norms of international humanitarian law and international human rights law".

15. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé and Ms. Warzazi.

16. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/34.

Adverse consequences of economic sanctions on the enjoyment of human rights

17. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.7, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley and Ms. Warzazi. Mr. Khalil subsequently joined the sponsors.

18. Statements in connection with the draft resolution were made by Mr. Chernichenko and Mr. Guissé.

19. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/35.

International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

20. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.23 sponsored by Mr. Ali Khan, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Hatano, Mr. Maxim, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Guissé, Mr. Joinet and Mr. Khalil subsequently joined the sponsors.

21. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/36.

Illicit transfer of arms

22. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.32, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

23. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/37.

Promotion of dialogue on human rights issues

24. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.33, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalifa, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Boutkevitch, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

25. Mr. Fan Guoxiang revised the draft resolution by replacing, in preambular paragraph 7, the words "5 August" by "18 April".

26. Statements in connection with the draft resolution were made by Mr. Bossuyt, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

27. At the request of Ms. Palley, a vote was taken. The draft resolution was adopted by 20 to 1, with no abstentions.

28. A statement was made by Mr. Joinet.

29. For the text of the resolution see chapter II, section A, resolution 1997/38.

The concept of affirmative action

30. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.42, sponsored by Ms. Attah, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Maxim, Mr. Park, Ms. Warzazi and Mr. Yimer. Mr. Joinet and Mr. Weissbrodt subsequently joined the sponsors.

31. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/118.

Human rights and terrorism

32. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.44, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Weissbrodt and Mr. Yimer.

33. A statement was made by Ms. Palley.

34. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/39.

The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

35. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.50, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Koufa, Mr. Lindgren Alves, Mr. Maxim, Ms. McDougall, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer.

36. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/40.

Review of further developments in fields with which the Sub-Commission has been or may be concerned

37. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.51, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Diaz Uribe, Ms. Gwanmesia, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

38. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/41.

Humanitarian situation in Iraq

39. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.57, sponsored by Ms. Warzazi. Mr. Ali Khan, Ms. Attah, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Guissé, Mr. Joinet, Mr. Khalil and Mr. Mehedi subsequently joined the sponsors.

40. Statements in connection with the draft decision were made by Mr. Bossuyt, Mr. Chernichenko, Mr. Guissé, Mr. Khalil, Ms. Warzazi and Mr. Weissbrodt.

41. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/119.

Human rights and scientific and technological developments

42. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.58, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe,

Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi and Mr. Yimer.

43. Mr. Weissbrodt orally amended the draft resolution by inserting after the word "adverse", the words "and positive" in the last preambular paragraph and in operative paragraph 2, as well as the first time the word "adverse" appeared in operative paragraph 1.

44. Statements in connection with the draft resolution were made by Mr. Eide, Mr. Guissé and Mr. Joinet.

45. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/42.

Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

46. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.61, sponsored by Ms. Daes.

47. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/43.